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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,070	01/08/2001	E. Weston Seaman	FIS9-2000-0229US1	6594
7590 10/10/2006 Philmore H. Colburn II CANTOR COLBURN LLP 55 Griffin Road South Bloomfield, CT 06002			EXAMINER MITCHELL, KATHERINE W	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/757,070	Applicant(s) SEAMAN ET AL.	
	Examiner Katherine W. Mitchell	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/10/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 132-179 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 132-179 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. **Examiner Repeats:** The information disclosure statement filed 2/5/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein regarding foreign patent JP04247567 has not been considered.
2. Also, foreign patents JP 06096089 and JP06119309 have not been considered, as the provided translation was apparently highlighted prior to submission, and the scanning process rendered the translation unreadable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 132, 137-140, 142-144, 156, and 161-164, and 166-168 are rejected under 35 U.S.C. 103(a) as obvious over Harbert "Searching for .COM-ponents" in view of Press Release "DesignWin Upgrade Tackles Key OEM Supply Chain Management

Art Unit: 3677

Issues", hereafter called DesignWin and Hartley-Urquhart, USP 6167385, hereafter called HU.

Re claims 132, 142-144 and 156 and 166-168: Harbert teaches a method of managing a supply chain page 4 paragraph 5-7 and page 5 paragraph 7 – page 8 paragraph 12) within a multi-enterprise environment via a computer network, said multi-enterprise environment including a manufacturing enterprise (ME) and at least one supply chain entity (SCE), comprising reverse auctions where suppliers bid down the price to win contracts online (web sites). Harbert teaches in page 5 paragraph 8 that a contract is put out for a bid (bid request), which has a Bill of Material (BOM), that suppliers bid on the contract on the web (Digital Exchange online trading site page 4 last paragraph, Table on pages 2-4 describing various web trading/exchange sites), a winning bid/contractor is selected (obviously the point of procurement is to select a supplier to provide the parts) and the contract is awarded (generating an award notice). Since a contractor is selected as a "winning" contractor, inevitably the costs of providing said entity are compared to costs available to the manufacturing enterprise, as a winning bid is always at least partially determined by its cost relative to other possible providers. That the process is based on a company's Bill of Materials is specifically noted on page 4, last line of 1st paragraph under "Going for the big bucks" and page 5 paragraphs 7-8; since the BOM is the basis of the process, specific steps obviously relate to processing the BOM. A program running on a computer inherently requires a storage medium for the management code.

However, Harbert does not specifically teach tracking selected activities in a log. DesignWin teaches in paragraphs 1-5 on page 1 an electronic supply chain management system with Bills of Materials bid on in a reverse auction on the internet, with marketing cost analysis features (especially paragraph 4). DesignWin teaches that pricing trends and probable costs can be tracked and analyzed, this inherently the activities are in some type of log or record if they can be analyzed and tracked:

log¹

log (lôg, lòg) *noun*

4. A record, as of the performance of a machine or the progress of an undertaking: *a computer log; a trip log.*¹

It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin before him at the time the invention was made, to modify Harbert as taught by DesignWin to include tracking selected activities in a log of DesignWin, in order to track selected data more efficiently and effectively for the buyer. One would have been motivated to make such a combination because lower costs and faster processing would have been obtained, as taught/suggested by DesignWin in page 1 paragraphs 2-4 and Harbert page 5 paragraph 7-8. Examiner notes that DesignWin specifically teaches that "knowing actual cost allows management to make better, more accurate plans which control costs and strengthen sales margins".(page 1, paragraph 4).

Harbert also does not specify that component prices paid by the manufacturing enterprise (ME) are compared to the prices paid by the supply chain entity (SCE) using

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Art Unit: 3677

the component on behalf of the ME, and that if the component price available to the SCE is greater than the price available to the ME, then the ME requests and obtains authorization for the SCE to buy the component at the lower price available to the ME.

First, examiner notes that this is a known purchasing arrangement, and can provide an affidavit swearing that prior to 1995, she worked in an organization where intermediate suppliers were authorized to purchase components at the lower prices negotiated by her company when the intermediate suppliers used the components as part of products for her company. Specifically, her company, hereafter called "C", used large numbers of valves, pipe fittings and piping, and negotiated extremely favorable prices due to the large volume purchased. If "C" needed a supplier, hereafter called "S" to assemble modules using valves and piping, the supplier "S" would be told to purchase the valves and piping from valve/pipe seller, hereafter called "V", and "C" would send "V" a letter authorizing supplier "S" to purchase valves and piping at "C"'s discounted prices. In support of the fact that this process is well-known, examiner cites that the patent to HU teaches in col 2 lines 21-35 that in a supply chain environment, a supplier's (equivalent to the supply chain entity's) cost of funds (equivalent to a component cost) may be higher than the cost of funds available to the buyer (equivalent to the manufacturing enterprise), and that in order to provide the lower cost benefits to the buyer, funds are made available to the supplier at the buyer's lower cost. Col 5 lines 22-40 and throughout disclose the authorization and approval process. For the request authorization to work, inevitably it includes the part number and description,

Art Unit: 3677

price, and volume required. The specifics of the contractual agreement and recordkeeping requirements would inevitably be in any authorization letter, and the approval notification is the affirmative response..

It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin and HU before him at the time the invention was made, to modify Harbert and DesignWin further in view of HU to include allowing intermediate suppliers (SCE) to have access to the ME's lower cost of components. One would have been motivated to make such a combination because lower costs would have been obtained, as taught/suggested by HU col 2 lines 31-35.

Re claims 137 and 161: The method of claims 132 and 156 respectively, wherein said processing said bill of material file includes automatically transmitting notifications to an administrative entity of said manufacturing enterprise via said network. Harbert implicitly teaches automatically transmitting notifications to an administrative entity of said manufacturing enterprise via said network, in that the items are purchased which would require administrative review of some sort. However, DesignWin explicitly teaches that the sourcing system includes notifying commodity managers to secure material in page 1 paragraph 5.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin before him at the time the invention was made, to modify Harbert as taught by DesignWin to explicitly include notifying an administrative entity, such as a purchasing agent or commodity mangers, in order to ensure the data

Art Unit: 3677

was provided to a decision maker with authority for requisitions. One would have been motivated to make such a combination because faster processing would have been obtained, as taught/suggested by DesignWin in page 1 paragraphs 2-4 and Harbert page 5 paragraph 7-8.

Re claims 138 and 162: Applicant has taught that extranets are known networks in the background of the invention:

Further, the Internet and related intranet and extranet technologies offer a relatively low cost of entry, making them practical for use by the largest PC manufacturer as well as the smallest custom-integrated circuit supplier. To alleviate related web-based security issues, companies have created two separate networks: an intranet that connects the internal processes to the applications and data they need and an extranet that connects external processes to the applications and data they need. These companies then add firewalls or security devices to protect against unauthorized access to the internal network and to isolate unauthorized Internet access from the extranet.

It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin before him at the time the invention was made, to modify Harbert as taught by common knowledge in the art to include an extranet network, as known in the art as stated in the background of the invention.

Re claims 139 and 163: Analyzing a quote inherently includes comparing the bid to the information in the requisition.

Re claims 140 and 164: Harbert teaches in page 5 paragraphs 7-8 that OEMs, contract manufacturers, and suppliers utilize the system. Contract manufacturers are by definition suppliers to OEMs, and thus inherently an OEM would consider them a supply chain entity when using the system. However, DesignWin explicitly teaches in

page 1 paragraph 6 that OEMs use DesignWin to obtain quotes from contract manufacturers. It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin before him at the time the invention was made, to modify Harbert as taught by DesignWin to explicitly include having contract manufacturers use the system in the role of supply entities to OEMs, in order to ensure the system's customers reflect the supply chain. One would have been motivated to make such a combination because contract manufacturers are the suppliers to OEMs, as taught/suggested by DesignWin in page 1 paragraphs 1-6.

5. Claims 133-136 and 141 and 157-160 and 165 are rejected under 35 U.S.C. 103(a) as obvious Harbert in view of DesignWin and HU as applied to claim 136 above, and further in view of Johnson et al. USP 5712985.

Re claims 133,136, 141and 157,160, 165: Harbert in view of DesignWin as applied to claim 132 and 156 respectively above teach all the elements except specifically processing said bill of material file including mapping items contained in said bill of material file from said manufacturing enterprise with items provided by external sources, including a database, via said network. While Harbert page 5 paragraph 11 teaches that the components are stored on a database, Harbert is not specific that the database is external (but obviously mapped) to the computer network.

Johnson teaches external databases (40/50) mapped to a requisition and inventory management system (10/20) in col 3 lines 4- col 4 line 44 and Fig. 1. Note that Johnson col 5 lines 7-20 specifically teaches that host database 20 on host computer 10 and local database 50 on local computer 40 are modified/updated in the

same manner, using distributed transaction processing to insure that the data in respective databases are in agreement prior to execution of any transaction in the system. Agreement is only required if items in both databases are mapped in some way. When Harbert in view of DesignWin and HU were modified to include mapping, the mapping would inevitably relate relevant items, such as component information to at least one commodity. Col 10 line 39 – col 11 line 8 detail that local computer 40 and local database 50 have data shared with the host computer 10 (col 10 lines 55063), and specific data communication is again taught in col 9 lines 58-65 and col 12 lines 17-67 and Figs 2A and 2B.

Although examiner considers that Johnson's local database 50 and host database 20 include an external source including a database of a manufacturing enterprise, examiner notes that It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961), and thus the type of external source is not considered a patentable distinction.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of DesignWin and Johnson before him at the time the invention was made, to modify Harbert in view of DesignWin as taught by Johnson to include external sources of materials and parts that can map to the procurement system, in order to have parts information available locally "in-house" for technical information, inventory, and other standard manufacturing tasks, or even suppliers

Art Unit: 3677

databases to manufacturer, while allowing it to be mapped to the requisition system to avoid duplication of efforts and ensure that the systems agree. One would have been motivated to make such a combination because lower costs and faster processing would have been obtained, as taught/suggested by Johnson col 1 lines 24-50, and Johnson teaches in col 1 lines that both the customer and supplier (local and host) need access to real time data to manage Just in Time inventory, a widely used and cost-effective inventory management system.

Re claims 134-135 and 158-159: Johnson teaches in Fig 3 that items contained in said bill of material file, and inherently in the external source since they are mapped, include: at least one component number; at least one component name; at least one component description; at least one component price; and at least one component availability. It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of DesignWin and Johnson before him at the time the invention was made, to modify Harbert in view of DesignWin as taught by Johnson to include common identifying parameters in the bill of material, in order to ensure that the material was the part, cost and availability desired. One would have been motivated to make such a combination because the quotes must be based on the same items to be accurately compared and costed.

6. Claims 145-155 and 169-179 are rejected under 35 U.S.C. 103(a) as obvious over Harbert in view of DesignWin and HU and further in view of Johnson et al. USP 5712985.

Re claims 145, 169, and 152-155, 176-179: Harbert teaches a method of managing a supply chain page 4 paragraph 5-7 and page 5 paragraph 7 – page 8 paragraph 12) within a multi-enterprise environment via a computer network, said multi-enterprise environment including a manufacturing enterprise and at least one supply chain entity, comprising reverse auctions where suppliers bid down the price to win contracts online (web sites). Harbert teaches in page 5 paragraph 8 that a contract is put out for a bid (bid request), which has a Bill of Material (BOM), that suppliers bid on the contract on the web (Digital Exchange online trading site page 4 last paragraph, Table on pages 2-4 describing various web trading/exchange sites), a winning bid/contractor is selected (obviously the point of procurement is to select a supplier to provide the parts) and the contract is awarded (generating an award notice). Since a contractor is selected as a “winning” contractor, inevitably the costs of providing items to said entity are compared to costs available to the manufacturing enterprise, as a winning bid is always at least partially determined by its cost relative to other possible providers. That the process is based on a company’s Bill of Materials is specifically noted on page 4, last line of 1st paragraph under “Going for the big bucks” and page 5 paragraphs 7-8; since the BOM is the basis of the process, specific steps obviously relate to processing the BOM. A program running on a computer inherently requires a storage medium for the management code.

However, Harbert does not specifically teach tracking selected activities in a log; and Harbert does not address associating business attributes with physical attributes of the components in the BOM.

DesignWin teaches in paragraphs 1-5 on page 1 an electronic supply chain management system with Bills of Materials bid on in a reverse auction on the internet. DesignWin teaches that pricing trends and probable costs can be tracked and analyzed, thus inherently the activities are in some type of log or record if they can be analyzed and tracked:

log¹

log (lôg, lòg) *noun*

4. A record, as of the performance of a machine or the progress of an undertaking: *a computer log; a trip log.*²

Johnson teaches external databases (40/50) mapped to a requisition and inventory management system (10/20) in col 3 lines 4- col 4 line 44 and Fig. 1. Note that Johnson col 5 lines 7-20 specifically teach that host database 20 on host computer 10 and local database 50 on local computer 40 are modified/updated in the same manner, using distributed transaction processing to insure that the data in respective databases are in agreement prior to execution of any transaction in the system. Col 10 line 39 – col 11 line 8 detail that local computer 40 and local database 50 have data shared with the host computer 10 (col 10 lines 55-63), and specific data communication/mapping is again taught in col 9 lines 58-65 and col 12 lines 17-67 and Figs 2A and 2B.

Johnson teaches in Fig 3 that items contained in said bill of material file, and inherently in the external source since they are mapped, include physical attributes including stock number, quantity, etc associated with business attributes including price (steps 208,209,210,211). Stock numbers are considered physical attributes of

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Art Unit: 3677

component parts in a BOM, especially considering that stock numbers are usually designed to reflect color, material (brass, stainless, etc.).

Johnson teaches in col 3 lines 10-37, col 11 lines 26-32, col 12 lines 38-52, and col 14 lines 48-67 that pricing algorithms are associated with component physical attributes such as stock number. Col 11 lines 29-30 state "pricing is also performed in this step... (sourcing)...performed on both local computer and host computer. Note that Johnson teaches "any suitable conventional algorithm may be employed...for sourcing and pricing items. Examiner takes official notice that price masking, component consignment, direct rebates, and a buy off contract are conventional pricing schemes well known in the art, and thus it would be obvious to include such schemes when conducting e-commerce supply chain management.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Harbert and DesignWin and Johnson before him at the time the invention was made, to modify Harbert as taught by DesignWin to include and activity tracking of activities in a log of DesignWin, in order to obtain data to track costs and make the quoting process more efficient and effective for the buyer, and to further modify Harbert as taught by Johnson to include associating pricing schemes with component physical attributes in order to maintain existing price strategies.

One would have been motivated to make such a combination because lower costs and faster processing would have been obtained, as taught/suggested by DesignWin in page 1 paragraphs 2-4 and Harbert page 5 paragraph 7-8. Examiner notes that DesignWin specifically teaches that "knowing actual cost allows management

Art Unit: 3677

to make better, more accurate plans which control costs and strengthen sales margins".(page 1, paragraph 4), and thus marketing costs, part of the actual costs, would be important to include in the analysis and tracking process. One would be motivated to maintain negotiated competitive or beneficial pricing schemes, as taught by Johnson in col 14 lines 58-67 and pricing based upon physical attributes is well known, as, for example, stainless steel items cost more than aluminum items and this would need to be reflected in any pricing strategy.

FURTHER Re claims 145,148, 169, 172: Harbert in view of DesignWin and HU and Johnson as applied above teach all the elements except specifically processing said bill of material file including mapping items contained in said bill of material file from said manufacturing enterprise with items provided by external sources via said network. While Harbert page 5 paragraph 11 teaches that the components are stored on a database, Harbert is not specific that the database is external (but obviously mapped) to the computer network.

Johnson teaches external sources (databases 40/50) mapped to a requisition and inventory management system (10/20) in col 3 lines 4- col 4 line 44 and Fig. 1. Although examiner considers that Johnson's local database 50 and host database 20 include an external source including a database of a manufacturing enterprise, examiner notes that It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*,

Art Unit: 3677

1962 C.D. 408 (1961), and thus the type of external source is not considered a patentable distinction.

It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of DesignWin and Johnson before him at the time the invention was made, to modify Harbert in view of DesignWin as further taught by Johnson to include external sources of materials and parts that can map to the procurement system, in order to have parts information available locally "in-house" for technical information, inventory, and other standard manufacturing tasks, or even map suppliers databases to manufacturer, while allowing it to be mapped to the requisition system to avoid duplication of efforts and ensure that the systems agree. One would have been motivated to make such a combination because lower costs and faster processing would have been obtained, as taught/suggested by Johnson col 1 lines 24-50.

Re claims 146-147 and 170-171: Johnson teaches in Fig 3 that items contained in said bill of material file, and inherently in the external source since they are mapped, include: at least one component number; at least one component name; at least one component description; at least one component price; and at least one component availability. It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of DesignWin and Johnson before him at the time the invention was made, to modify Harbert in view of DesignWin to include common identifying parameters in the bill of material as taught by Johnson, in order to ensure that the material was the part, cost and availability desired. One would have been

motivated to make such a combination because the quotes must be based on the same items to be accurately compared and costed.

Re claims 149 and 173: The method of claim 11 and 39 respectively, wherein said processing said bill of material file includes automatically transmitting notifications to an administrative entity of said manufacturing enterprise via said network. The limitations have been addressed above when discussing claims 11 and 39, except the further limitation of automatically transmitting notifications to an administrative entity of said manufacturing enterprise via said network. Harbert implicitly teaches automatically transmitting notifications to an administrative entity of said manufacturing enterprise via said network, in that the items are purchased which would require administrative review of some sort. However, DesignWin explicitly teaches that the sourcing system includes notifying commodity managers to secure material in page 1 paragraph 5. It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of DesignWin and Johnson before him at the time the invention was made, to further modify Harbert as taught by DesignWin to explicitly include notifying an administrative entity, such as a purchasing agent or commodity managers, in order to ensure the data was provided to a decision maker with authority for requisitions. One would have been motivated to make such a combination because faster processing would have been obtained, as taught/suggested by DesignWin in page 1 paragraphs 2-4 and Harbert page 5 paragraph 7-8.

Re claims 150 and 174: Analyzing a quote inherently includes comparing the bid to the information in the requisition.

Re claims 151 and 175: The limitations have been addressed above except the further limitation of OEMs, contract manufacturers, and suppliers utilizing the system. Harbert teaches in page 5 paragraph 7-8 that OEMs, contract manufacturers, and suppliers utilize the system. Contract manufacturers are by definition suppliers to OEMs, and thus inherently an OEM would consider them a supply chain entity when using the system. However, DesignWin explicitly teaches in page 1 paragraph 6 that OEMs use DesignWin to obtain quotes from contract manufacturers. It would have been obvious to one of ordinary skill in the art, having the teachings of Harbert in view of Johnson and DesignWin before him at the time the invention was made, to further modify Harbert as taught by DesignWin to explicitly include having contract manufacturers use the system in the role of supply entities to OEMs, in order to ensure the system's customers reflect the supply chain. One would have been motivated to make such a combination because contract manufacturers are the suppliers to OEMs, as taught/suggested by DesignWin in page 1 paragraphs 1-6.

Response to Arguments

7. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection and new claims.
8. Although not responded to, examiner considers that applicant considers that the double patenting rejection was overcome by the claim amendments, rather than holding the response to be non-responsive.

Conclusion

Art Unit: 3677

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
Art Unit 3677

Kwm
6/29/2006

A handwritten signature in black ink, appearing to read 'K Mitchell', is written over the printed name and title.